

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

No. 282

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**Introduced by Assembly Member Eggman**

February 11, 2015

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An act to amend Section 19006 of the Business and Professions Code, relating to business; add Chapter 35 (commencing with Section 22948.8) to Division 8 of the Business and Professions Code, and to add Sections 1503.3 and 1596.848 to the Health and Safety Code, relating to window coverings.

### LEGISLATIVE COUNSEL'S DIGEST

AB 282, as amended, Eggman. ~~Home furnishings. Corded window coverings.~~

*Existing law generally regulates various business activities and practices, including the sale of cordless telephones within the state.*

*This bill would, beginning January 1, 2017, make it unlawful to sell to a purchaser located in the state a corded window covering. The bill would define "corded window covering" as a window covering, including, but not limited to, blinds, curtains, draperies, and shades, that has an accessible cord, and would define "accessible cord" as any cord with a length of over 7 <sup>3</sup>/<sub>4</sub> inches, including a cord that can be extended or pulled to exceed 7 <sup>3</sup>/<sub>4</sub> inches. The bill would authorize a corded window covering for which an accessible cord cannot be eliminated, as specified, to be sold to a purchaser located in the state only if the accessible cord is made inaccessible through the use of an effective passive guarding device, such as a cord cover.*

*Existing law provides for the licensing and regulation of community care facilities, including, among others, residential facilities, foster*

family homes, certified family homes, and group homes by the State Department of Social Services. Existing law also provides for the licensing and regulation of child day care facilities by the department. A person who violates a law relating to community care facilities, or who willfully or repeatedly violates a law relating to child day care facilities, is guilty of a misdemeanor.

This bill would require a community care facility or child day care facility that serves children under 6 years of age to remove all corded window coverings or make the accessible cord inaccessible through the use of an effective passive guarding device by January 1, 2019. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Home Furnishings and Thermal Insulation Act, provides for the licensure and regulation of, among others, upholstered furniture manufacturers by the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation. Existing law defines “upholstered furniture” for purpose of the act.~~

~~This bill would make nonsubstantive changes to that definition.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 35 (commencing with Section 22948.8)  
2     is added to Division 8 of the Business and Professions Code, to  
3     read:

4  
5             CHAPTER 35. CORDED WINDOW COVERINGS

6  
7     22948.8. For purposes of this chapter, the following terms  
8     shall have the following meanings:

9     (a) “Accessible cord” means any cord with a length of over  
10    seven and three-quarter inches, including a cord that can be  
11    extended or pulled to exceed seven and three-quarter inches.

1     **(b)** “Corded window covering” means a window covering,  
2 including, but not limited to, blinds, curtains, draperies, and  
3 shades, that has an accessible cord.

4     22948.9. **(a)** Except as provided in subdivision **(b)**, it is  
5 unlawful to sell to a purchaser located in this state a corded  
6 window covering.

7     **(b)** If an accessible cord cannot be eliminated from a corded  
8 window covering due to the large size of the window covering or  
9 for another reason, the corded window covering may be sold to a  
10 purchaser located in this state only if the accessible cord is made  
11 inaccessible through the use of an effective passive guarding  
12 device, such as a cord cover.

13     22949. This chapter shall become operative on January 1,  
14 2017.

15     **SEC. 2.** Section 1503.3 is added to the Health and Safety Code,  
16 to read:

17     1503.3. **(a)** For the purposes of this section, the terms  
18 “accessible cord” and “corded window covering” have the same  
19 meaning as in Section 22948.8 of the Business and Professions  
20 Code.

21     **(b)** By January 1, 2019, every facility licensed or certified  
22 pursuant to this chapter that serves children under six years of  
23 age shall remove all corded window coverings or make the  
24 accessible cord inaccessible through the use of an effective passive  
25 guarding device, such as a cord cover.

26     **SEC. 3.** Section 1596.848 is added to the Health and Safety  
27 Code, to read:

28     1596.848. **(a)** For the purposes of this section, the terms  
29 “accessible cord” and “corded window covering” have the same  
30 meaning as in Section 22948.8 of the Business and Professions  
31 Code.

32     **(b)** By January 1, 2019, a child day care facility that serves  
33 children under six years of age shall remove all corded window  
34 coverings or make the accessible cord inaccessible through the  
35 use of an effective passive guarding device, such as a cord cover.

36     **SEC. 4.** No reimbursement is required by this act pursuant to  
37 Section 6 of Article XIII B of the California Constitution because  
38 the only costs that may be incurred by a local agency or school  
39 district will be incurred because this act creates a new crime or  
40 infraction, eliminates a crime or infraction, or changes the penalty

1 *for a crime or infraction, within the meaning of Section 17556 of*  
2 *the Government Code, or changes the definition of a crime within*  
3 *the meaning of Section 6 of Article XIII B of the California*  
4 *Constitution.*

5 SECTION 1. ~~Section 19006 of the Business and Professions~~  
6 ~~Code is amended to read:~~

7 ~~19006. “Upholstered furniture” shall mean any furniture,~~  
8 ~~including children’s furniture, movable or stationary, which is~~  
9 ~~made or sold with cushions or pillows, loose or attached, or is itself~~  
10 ~~stuffed or filled in whole or in part with any material, is or can be~~  
11 ~~stuffed or filled in whole or in part with any substance or material,~~  
12 ~~hidden or concealed by fabric or any other covering, including~~  
13 ~~cushions or pillows belonging to or forming a part thereof, together~~  
14 ~~with the structural units, the filling material and its container and~~  
15 ~~its covering which can be used as a support for the body of a human~~  
16 ~~being, or his or her limbs and feet when sitting or resting in an~~  
17 ~~upright or reclining position. “Upholstered Furniture” does not~~  
18 ~~include furniture used exclusively for the purpose of physical~~  
19 ~~fitness and exercise.~~